




PATENT  
Docket No.: 703131-2001

**In The United States Patent and Trademark Office**

<b>In re Application of:</b>  <b>Assignee:</b> ConAgra Dairy Products Company  <b>Inventors:</b> T. Henry, <i>et al.</i>  <b>Application No:</b> 10/086,134  <b>Title:</b> PROCESS FOR MAKING CHEESE  <b>Prior Docket No.:</b> 47267  <b>New Docket No.:</b> 703131-2001	<b>Art Unit:</b> 1761  <b>Examiner:</b> Leslie A. Wong  <b>CERTIFICATE OF MAILING</b> <b>UNDER 37 CFR § 1.8</b>  <b>Date of Deposit:</b> June 17, 2004  I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated above in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, Box 1450, Alexandria, Virginia 22313-1450.  <b>Type or Print Name of Person Mailing:</b> Karen Wuerfel  <b>Signature of Person Mailing</b>
--	--

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22323-1450

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached forms PTO/SB/08A/B are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. The Examiner is requested to make this document of record.

**I. Timing of the Supplemental Information Disclosure Statement:**

This Supplemental Information Disclosure Statement is filed:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.

☐

Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for any fees required pursuant to 37 C.F.R. §§1.17(p) or 1.17(i)(1).

This Supplemental Information Disclosure Statement is filed:

☒

After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first. The Commissioner is hereby authorized to charge Deposit Account No. 50-2518, billing reference number: 703908-2001 for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

This Supplemental Information Disclosure Statement is filed:

☐

After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

The undersigned certifies that:

☐

Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

☐

No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.



II. Copies of the Cited Items:

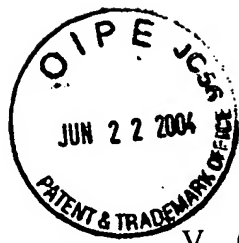
- ☒ Copies of the items listed on the attached form PTO/SB/08A/B are enclosed.
- ☐ Copies of only the following items listed on the attached Forms PTO/SB/08A/B are enclosed:
- ☐ Copies of the items listed in the attached Form PTO/SB/08 A/B are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application No. \_\_\_\_\_ filed \_\_\_\_\_ and relied upon in this application for an earlier filing date under 35 U.S.C § 120. See 37 C.F.R. § 1.98(d).
- ☐ Copies of those items which are marked with an asterisk (\*\*) in the attached Form PTO/SB/08A were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

III. Concise Explanation of Relevance:

- ☒ A concise explanation of relevance of the item listed on form PTO/SB/08A/B is not given.
- ☐ A concise explanation of relevance of [some of] the items listed on Form PTO/SB/08A/B is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

IV. Related Applications:

- ☐ Applicants bring to the Office's attention the following related, co-pending application(s):



V. Conclusion:

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO/SB/08A/B with initials or other appropriate marks. The Commissioner is hereby authorized to charge Deposit Account No. 50-2518, billing reference number: 703131-2001 for any additional fees required in connection with the filing of this Supplemental Information Disclosure Statement.

Respectfully submitted,

BINGHAM MCCUTCHEN LLP

Dated: June 17, 2004

By: 

Gary D. Lueck  
Registration No. 50,791

Three Embarcadero Center, Suite 1800  
San Francisco, California 94111-4067  
Telephone: (213) 680-6400  
Facsimile: (213) 680-6499



PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1

of

1

**Complete if Known**

Application Number

10/086,134

Filing Date

February 27, 2002

First Named Inventor

T. Henry

Art Unit

1761

Examiner Name

Leslie A. Wong

Attorney Docket Number

703131-2001

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	1	US - 4,460,609	07-17-1984	Kristiansen, et al.	
	2	US - 4,592,274	06-03-1986	Tomatis	
	3	US - 4,608,921	09-02-1986	Mongiello, Sr.	
	4	US - 4,626,439	12-02-1986	Meyer	
	5	US - 4,665,811	05-19-1987	Meyer	
	6	US - 4,898,745	02-06-1990	Zamzow, et al.	
	7	US - 4,919,943	04-24-1990	Yee, et al.	
	8	US - 4,959,229	09-25-1990	Reddy, et al.	
	9	US - 5,431,931	07-11-1995	Nauth, et al.	
	10	US - 5,431,946	07-11-1995	Vesely, et al.	
	11	US - 5,480,666	01-02-1996	Lindgren	
	12	US - 5,520,934	05-28-1996	Meilleur	
	13	US - 5,529,795	06-25-1996	Aldrovandi	
	14	US - 5,942,263	08-24-1999	Chen, et al.	
	15	US - 5,952,030	09-14-1999	Nelles, et al.	
	16	US - 5,967,026	10-19-1999	Nelles, et al.	
	17	US - 6,079,323	06-27-2000	Dzenis	
	18	US - 6,086,926	07-11-2000	Bruce, et al.	
	19	US - 6,143,334	07-07-2000	Reinbold, et al.	
	20	US - RE37,264	07-03-2001	Chen, et al.	
	21	US - 6,319,526	11-20-2001	Dahlstrom, et al.	
	22	US - 6,440,481	08-27-2002	Gascoigne, et al.	
	23	US - 6,475,638	11-05-2002	Thakar, et al.	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.